

The opinion in support of the decision being entered  
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JAMES T. LAGROTTA and RICHARD THOMAS LAGROTTA

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Appeal 2007-1236  
Application 09/919,020  
Technology Center 2600

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Decided: July 31, 2007

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Before JOHN C. MARTIN, JOSEPH L. DIXON, and ROBERT E.  
NAPPI, *Administrative Patent Judges*.  
DIXON, *Administrative Patent Judge*.

ORDER REMANDING TO THE EXAMINER

This is an Order remanding the application to the Examiner. The  
“Overview of the Subject Matter of the Independent Claims” at pages 2-3 of

Appellants' Brief summarizes the claimed subject matter without reading the claim limitations on the pages and lines of the specification or on the reference characters in the drawings. Although the "Additional Text from the Specification in Support of the Claims" (Br. 4-13) provides a detailed description of the subject matter depicted in the various figures, it fails to explain how the claim limitations read on that subject matter. Appellants' Brief is therefore not in compliance with 37 CFR § 41.37(c)(1)(v), which requires that the Summary of the Claimed Subject Matter provide "[a] concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters." The Brief must be in compliance prior to entry of a decision on the merits.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) send a notice of non-compliance of the Brief,
- (2) evaluate the supplemental Brief for compliance with 37 CFR § 41.37, and
- (3) take such further action as may be appropriate.

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REMANDED

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